

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)	
WILLIAM A. DePARDO,)	
	Plaintiff)	
)	
	v.)	CIVIL ACTION NO.: 04-0248DPW
MFS/SUN LIFE FINANCIAL)	
DISTRIBUTORS, INC. d/b/a)	
SUN LIFE OF CANADA and)	
TAC WORLDWIDE)	
COMPANIES,)	
	Defendants)	
)	

**PLAINTIFF'S OPPOSITION TO MOTION
OF SUN LIFE OF CANADA FOR SUMMARY JUDGMENT**

The plaintiff, William A. DePardo, opposes the motion of the defendant, Sun Life Assurance Company of Canada, (“Sun Life”) for summary judgment. As grounds for his opposition, Mr. DePardo states that in this ERISA action, Sun Life’s denial of benefits under the long-term disability plan was arbitrary and capricious as a matter of law. The undisputed medical evidence within the Administrative Record is in Mr. DePardo’s favor. Sun Life mistakenly contends that the Administrative Record is capable of supporting competing inferences as to Mr. DePardo’s inability to return to work after August 11, 2002, but he is totally and permanently disabled by virtue of his heart disease. Therefore, Sun Life’s decision to terminate Mr. DePardo’s benefits was unreasonable and should not be accorded deference. Summary judgment should be denied.

In support of his opposition, Mr. DePardo submits the accompanying Statement of Undisputed Facts and Memorandum of Law, and the Administrative Record.

Respectfully submitted:

The Plaintiff, William A. DePardo,

By his Attorneys,

/s/ Nicholas S. Guerrero
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CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail pursuant to Fed. R. Civ. P. 5(a).

Dated: November 2, 2004

/s/ Nicholas S. Guerrero
Nicholas S. Guerrero